

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN LEE HOERLE,

Plaintiff,

v.

Case No. 21-11605

Honorable Linda V. Parker

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

**AMENDED OPINION AND ORDER AWARDING
COSTS, EXPENSES, AND ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The agreed motion to amend the September 30 order awarding fees and expenses to separately specify the amount payable as costs is **GRANTED**. This order replaces the order issued on September 30, 2022. (ECF No. 19.)

Plaintiff initiated this lawsuit on July 11, 2011, seeking judicial review of Defendant's determination that he is not entitled to social security disability benefits. On July 5, 2022, this Court entered a Judgment remanding the matter to the Commissioner. (ECF No. 17.) Plaintiff subsequently filed a motion for attorney's fees under the Equal Access to Justice Act ("EAJA"). (ECF No. 18.) Plaintiff's counsel represents in the motion that concurrence was sought from

Defendant and counsel for Defendant indicated that Plaintiff may file the motion as unopposed. (ECF No. 18-10.)

In the motion, Plaintiff asks the Court to award Plaintiff's counsel \$402 in costs and \$6,749.52 in fees and expenses under the EAJA, 28 U.S.C. § 2412.

Plaintiff indicates that any payment may be subject to offset by any pre-existing debt Plaintiff may owe to the government.

As there is no opposition to Plaintiff's request for costs, expenses, and attorney's fees, and because the Court finds that an award is proper under the EAJA, it is granting Plaintiff's joint request. Any award must be offset by any debt Plaintiff owes to the government. *See Astrue v. Ratliff*, 560 U.S. 586 (2010). Therefore, Plaintiff's counsel is awarded costs in the amount of \$402, as well as fees and expenses in the amount of \$6,749.52, absent any debt owed by Plaintiff to the government.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: October 24, 2022